

FOR INFORMATION
DA-2004-20
June 23, 2004

SUBJECT: *Phytophthora ramorum* (sudden oak death, ramorum blight, ramorum die-back): Expansion of Associated Articles (nursery stock)

TO: STATE AND TERRITORY AGRICULTURAL REGULATORY
OFFICIALS

On February 14, 2002, APHIS published an interim rule in the Federal Register for *Phytophthora ramorum* (7 CFR 301.92). This rule restricts the movement of certain restricted and regulated articles to prevent the artificial spread interstate of this disease-causing organism from areas where the disease is established. We have now learned that certain plants require regulating in order to control the artificial spread of this disease. The purpose of this is to provide notification that APHIS is listing four species as associated articles.

In May 2004, a University researcher announced that *P. ramorum* had been isolated and identified from a lily, a fern, and a yew found in a native setting in California. In June 2004, another University researcher reported the isolation of *P. ramorum* from a single plant of a perennial herb, another lily, found in a native setting in California. As these four plant species have not had Koch's postulates completed, they have been added to the "APHIS List of Host and Associated Plants" as "associated plants." These are to be treated as "associated articles" when applying the APHIS issued orders restricting movement of nursery stock.

Therefore, effective immediately, the following are associated regulated articles which will be listed under 7 CFR 301.92 and in PPQ orders restricting the movement of nursery stock to prevent the spread of *P. ramorum*:

- *Clintonia andrewsiana* (Andrew's clintonia bead lily)
- *Dryopteris arguta* (California wood fern)
- *Smilacina racemosa* (false Solomon's seal)
- *Taxus brevifolia* (Pacific yew)

This action is authorized under the Plant Protection Act, as amended, Section 412(a), which authorizes the Secretary of Agriculture to prohibit or restrict the movement in interstate commerce of any plant, plant part, or article, if the Secretary determines the prohibition or restriction is necessary to prevent the dissemination of a plant pest within the United States.

This action is also authorized by 7 CFR 301.92-2(b)(2) which designates as restricted articles any other product or article that an inspector determines to present a risk of spreading *P. ramorum*. This designation requires the inspector to notify the person in possession of the product or article that it is an associated article.

In accordance with the provisions of the Administrative Procedures Act, this action will be published as a regulatory update in the Federal Register for public comment.

/s/ Richard L. Dunkle

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